

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

PEDRO GOMEZ RANGEL and  
MARIA RODRIGUEZ OROZCO,

Plaintiffs.

v.

UR MENDOZA JADDOU, *in her official capacity as Director of U.S. Citizenship and Immigration Services,*

Defendant.

Civil No:

COMPLAINT TO COMPEL AGENCY ACTION UNDER 28 U.S.C. § 1361 AND 5 U.S.C. §§ 555(b), 706(1), AND FOR A WRIT OF MANDAMUS TO COMPEL DEFENDANTS' ADJUDICATION OF FORM I-130, PETITION FOR ALIEN RELATIVE

Receipt No. WAC1890079463

**COMPLAINT FOR WRIT OF MANDAMUS**

**To the Honorable Judges of Said Court:**

Plaintiffs, Pedro Gomez Rangel and Maria Rodriguez Orozco, through undersigned counsel, allege as follows:

**I. INTRODUCTION**

1. This is a civil action brought pursuant to 28 U.S.C. § 1361, 8 U.S.C. § 1329, and 28 U.S.C. § 1331, to redress the deprivation of rights, privileges and immunities secured to Plaintiffs to compel Defendant to perform a duty Defendant owes to Plaintiffs.

2. This action is brought to compel Defendant and those acting under her supervision to take action on a Petition for Alien Relative, Form I-130 (“Petition”) for Plaintiff Pedro Gomez Rangel (hereinafter “Pedro”) to obtain an approved petition in order to permit his wife, Plaintiff Maria Rodriguez Orozco (hereinafter “Maria”), to apply to become a Lawful Permanent Resident of the United States. The visa Petition was submitted on December 11, 2017.
3. Plaintiffs are eligible to have the Petition adjudicated because Plaintiff Pedro is a naturalized United States citizen and he married Plaintiff Maria on August 31, 1977. Neither of them are convicted of any disqualifying criminal offenses. At the time of the filing the Form I-130, Pedro was a lawful permanent resident of the United States. On January 22, 2019, he became a naturalized United States citizen.
4. Plaintiffs request that this Court issue injunctive relief and a writ in the nature of mandamus compelling the Defendant to make a determination to grant or deny the Petition under 8 U.S.C. § 1154.

## **II. JURISDICTION**

5. This Court has general federal question jurisdiction over this action under 5 U.S.C. §§ 555(b) and 706(a), 28 U.S.C. § 1331(a) and 28 U.S.C. § 1346(a)(2). Jurisdiction is also conferred by 5 U.S.C. § 704.
6. This Court also has jurisdiction to grant declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202 and F.R.C.P. 57 and 65.

## **III. VENUE**

7. Venue in the Northern District of Georgia is proper pursuant to 28 U.S.C. §1391(e). Defendant is an Officer of the United States acting in her official capacity, and the U.S. Attorney General's Office, the Department of Homeland Security ("DHS"), and the United States Citizenship and Immigration Services ("USCIS") are agencies of the United States. Further, Plaintiff Pedro resides in this judicial district.

## **IV. EXHAUSTION**

8. There are no administrative remedies available for Plaintiffs to exhaust.

## **V. PARTIES**

9. Plaintiff PEDRO GOMEZ RANGEL is a United States citizen. He submitted an I-130 Petition for his wife, Plaintiff MARIA RODRIGUEZ OROZCO. Plaintiffs have been married since August 31, 1977 in Mexico. Plaintiff Pedro is the petitioner on the Petition, and Plaintiff Maria is the beneficiary on that Petition. Plaintiff Pedro properly filed the Petition with the California Service Center on December 11, 2017.
10. Defendant UR MENDOZA JADDOU is the Director of USCIS, a fee-for-service agency which is responsible for the administration and enforcement of the immigration laws of the United States.

## **VI. FACTUAL ALLEGATIONS**

11. Plaintiff Pedro is a United States citizen. He currently resides in Lawrenceville, Georgia. His wife, Plaintiff Maria, currently resides in Mexico awaiting visa processing contingent on the approval of the subject visa petition. Plaintiffs were married on August 31, 1977 in Mexico.
12. On or about December 11, 2017, Plaintiffs filed form I-130 at the California Service Center. *See Exhibit A.* The I-130 visa petition was filed under the F2A family preference category since Plaintiff Pedro was a lawful permanent resident of the United States. However on January 22, 2019,

Plaintiff became a US naturalized citizen. *See Exhibit B.* Thus, visa numbers are immediately available.

13. Plaintiffs have at all times met and continue to meet the requirements necessary to be adjudicated as immediate relatives.
14. According to USCIS, a Form I-130 such as that filed in this case should be processed in 15 months. *See Exhibit C.* In the last 5 years such petitions were adjudicated in as little as 7.6 months. *See Exhibit D.*
15. Plaintiffs' petition was filed on December 11, 2017 and has therefore been pending for over 65 months. The Petition has been pending for nearly 4 times as long as the stated current processing time.
16. The USCIS has not issued an interview notice nor sent any request for additional information. Unfortunately, nothing has happened in this case.
17. Despite the passage of a significant amount of time, it does not appear that Defendant is moving forward on adjudicating Plaintiffs' Petition.

## **COUNT 1**

1. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 17 above.
2. Plaintiffs are eligible for immediate adjudication of this Petition.

3. Plaintiffs have suffered and will continue to suffer significant and irreparable harm because of Defendant's policies, procedures, acts and failures to act as described herein.
4. Defendant violated Plaintiffs' statutory right to apply for benefits which Congress has provided under the INA, depriving Plaintiffs of the opportunity to legally live as husband and wife here in the United States under the INA.

### **COUNT 2**

5. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 17 above.
6. Plaintiffs have suffered a legal wrong or have been "adversely affected or aggrieved" by agency action. 5 U.S.C. § 702. Plaintiffs are aggrieved by agency action, for which there is no other adequate remedy in a court. 5 U.S.C. § 704.

### **COUNT 3**

7. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 17 above.
8. Defendant owes Plaintiffs a clear and certain duty to adjudicate Plaintiffs' Petition.
9. Plaintiffs have no other adequate remedy.

## **VI. PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully requests the Court:

1. Assume Jurisdiction over this action;
2. Issue a writ of mandamus compelling Defendant to immediately adjudicate the pending Petition;
3. Retain jurisdiction during the adjudication of the Petition in order to ensure compliance with the Court's orders;
4. Award Plaintiffs reasonable costs and attorney's fees under the Equal Access to Justice Act; and
5. Award such further relief as the Court deems just or appropriate.

RESPECTFULLY SUBMITTED this 2nd of June, 2023.

/s/ \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

This is to certify I electronically filed the foregoing **COMPLAINT FOR WRIT OF MANDAMUS** and its accompanying Exhibits with the Clerk of Court using the CM/ECF system. This system will automatically send email notification of such filing to all below Defendants who are registered with this system. In addition, in compliance with local rules, this initial Complaint and the accompanying Exhibits and summons have also been served by First Class Mail, postage pre-paid, on:

Ur Mendoza Jaddou,  
Director  
c/o Office of the Chief Counsel  
5900 Capital Gateway Drive  
Mail Stop 2120  
Camp Springs, MD 20588-0009

Ryan K. Buchanan, U.S. Attorney,  
Northern District of Georgia  
75 Ted Turner Drive SW  
Suite 600  
Atlanta, Georgia 30303

Certified this 2nd of June, 2023.

/s/ \_\_\_\_\_  
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**LIST OF EXHIBITS**

Exhibit A Form I-130 Receipt;

Exhibit B Naturalization Certificate;

Exhibit C USCIS.gov average historical processing times; and

Exhibit D USCIS.gov processing times printout.

RESPECTFULLY SUBMITTED this 2nd of June, 2023.

/s/ \_\_\_\_\_  
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